THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 4742 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed by Dhara Yadamma, who is said to be the mother of the alleged detenu Dhara Ramesh, seeking a writ of Habeas Corpus directing the respondents to produce Dhara Ramesh s/o Ilayya.

The case of the petitioner is that her son Dhara Ramesh had quarrels with one Mallesh with regard to purchase of Auto Rickshaw; that on 18.2.2007 night at about 10.00 p.m. she was informed by some passerby of the village that the auto driven by her son along with Anil and Naga Raju fell into SRSP Canal and his son was missing and that the police of Metpalli Police Station were at the spot for retrieving the drowned auto and his son. She was further informed that Anil and Nagaraju survived but her son was missing. It is the further case of the petitioner that she gave a written report to the police but even the dead body of her son could not be found anywhere; that if any animal or body is drowned it would ordinarily be traced at least at the lock which is in the down stream of the canal but it has not happened so in the case of her son and she is suspecting the version of missing of her son and there is inaction on the part of the police in tracing the whereabouts of her son and therefore the respondents may be directed to produce her son Dhara Ramesh.

Pursuant to the notice issued on 8.3.2007, the 2nd respondent – S.I. of Police, Metpally Police Station, Karimnagar

District filed counter affidavit denying the allegations made by the petitioner. It is further stated by the 2nd respondent in the counter affidavit that soon after he came to know on 18.2.2007 that an Auto fell into SRSP Canal, he along with his staff rushed to the spot and was informed by the locality people that two persons who were rescued by them informed that the auto was driven by the alleged detenu and all the three of them fell into the canal along with the auto accidentally. With the help of the Fire Rescue Squad, the 2nd respondent could retrieve the auto from the canal and searched for the alleged detenu but in vain. It is further stated that all the neighbouring police stations were alerted about the incident and basing on the complaint given by the petitioner, he registered a case in Cr.No. 37 of 2007 under the head 'Man Missing'. It is further stated by the 2nd respondent that several unidentified male dead bodies were verified but they did not tally with the descriptive particulars of the alleged detenu; that he examined one Mallesh who is the present owner of the Auto and he stated that he lent the auto to one Naidu Chandu and he in turn lent the auto to the alleged detenu on daily rent basis. It is stated that since the date of accident efforts are on to trace the alleged detenu and in spite of best efforts the alleged detenu is not yet traced and that the investigation is under progress.

Having regard to the averments made in the counter affidavit that the respondents are taking all the steps to trace the whereabouts of the alleged detenu and the investigation is under progress, we are of the opinion that nothing survives in this writ petition for further adjudication. However, we direct the respondents to do the investigation according to law.

The writ petition is disposed of accordingly.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 05-04-2007.

MVB.